

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN D. CERQUEIRA,

Plaintiff,

V.

AMERICAN AIRLINES, INC.,

Defendant.

CIVIL ACTION NO.: 05-11652 WGY

**DEFENDANT, AMERICAN AIRLINES, INC.'S
MOTION FOR RELEASE OF SUPERSEDEAS BOND**

Defendant, American Airlines, Inc. (“American”), respectfully submits this motion for the release of the *supersedeas* bond filed in this action. As grounds therefore, American states as follows:

1. Judgment in this action was originally entered in favor of plaintiff, John D. Cerqueira (“Cerqueira”) on January 16, 2007 (Docket Entry 102).
2. On April 12, 2007 this Court issued a Memorandum and Order further granting Cerqueira attorneys’ fees and costs (Docket Entry 145).
3. On May 23, 2007 American filed its Assented-to Motion for Stay of Judgment pending the outcome of American’s appeal in the United States Court of Appeals for the First Circuit and for approval of its *supersedeas* bond as security (Docket Entry 154).
4. On June 6, 2007 this Court issued an Order granting this motion and American posted a *supersedeas* bond in the amount of \$785,596.57 (Docket Entry 157). A true and accurate copy of the *supersedeas* bond is attached as Exhibit A.

5. American prevailed on appeal on the claims brought by Cerqueira. This Court vacated the Judgment of January 16, 2007 in favor of Cerqueira and entered Judgment in favor of American against Cerqueira on January 16, 2008 (Docket Entry 160).
6. As a result of Judgment entering in favor of American, Cerqueira is no longer entitled to any of the funds awarded by this Court and secured by the *supersedeas* bond.

WHEREFORE, American respectfully requests that this Court issue an Order, signed by The Honorable Judge William G. Young, authorizing the release of the *supersedeas* bond. A proposed Order is attached as Exhibit B.

AMERICAN AIRLINES, INC.
By Its Attorney,

/s/ Michael A. Fitzhugh
Michael A. Fitzhugh, Esq.
BBO #: 169700
FITZHUGH & MARIANI LLP
155 Federal Street, Suite 1700
Boston, MA 02110-1727
(617) 695-2330

Dated: May 27, 2008

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on May 27, 2008.

/s/ Michael A. Fitzhugh
Michael A. Fitzhugh

CERTIFICATE OF CONFERENCE

I hereby certify that on May 22, 2008, at 4:28 p.m., I conferred via email with David Godkin, counsel for plaintiff, seeking his assent to this motion. On May 27, 2008, at 9:28 a.m., counsel replied that plaintiff would not oppose this motion.

/s/ Michael A. Fitzhugh
Michael A. Fitzhugh

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN D. CERQUEIRA,)	Bond No. 104841964
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION NO.: 05-11652 WGY
AMERICAN AIRLINES, INC.,)	
)	
Defendant.)	
)	

SUPERSEDEAS BOND OF AMERICAN AIRLINES, INC.

As a result of Orders and Rulings rendered by this Court as described more fully below, American Airlines, Inc. hereby and as hereinafter described, seeks to provide security in the amount of \$785,596.57 (seven hundred and eighty five thousand, five hundred and ninety six dollars and fifty-seven cents), for its appeal of the jury verdict and final judgment entered against it in the instant action.


Accordingly, American Airlines, Inc., as Principal, and Travelers Casualty and Surety Company of America, as Surety, acknowledge by this instrument their obligation to pay John D. Cerqueira the amounts due under the Order and Judgment dated January 16, 2007, the Orders of the Court dated February 27, 2007 and April 9, 2007, and the April 12, 2007 Order granting Plaintiff's Motion for Attorneys' Fees and Costs to which John D. Cerqueira may become entitled if those Orders become final and non-appealable, or as altered or amended when final and non-appealable. In the event that any one or more of the Orders is reversed or modified on appeal, then the Bond shall be reduced in whole or in part by the amount of any such reversal or modification.

This Bond is filed as security for a stay of execution upon the Orders, pending the disposition of the contemplated appeals. In no event shall the aggregate liability of Travelers Casualty and Surety Company of America, as Surety, exceed the penal sum of \$785,596.57, to which Surety is held and firmly bound unto John D. Cerqueira.

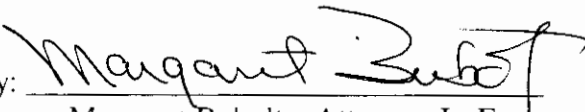
The condition of this obligation is that if the Principal shall prosecute the contemplated appeal to successful conclusion or shall pay any final judgment for the above-mentioned Orders, then this obligation shall be void; otherwise to remain in full force and effect.

Dated: May 11, 2007

American Airlines, Inc.

By: 

Travelers Casualty and Surety Company of America

By: 
Margaret Buboltz, Attorney-In-Fact

(Enclose Power of attorney for bonding company person)
(Enclose any disclosure documents that are a part of the bond)



POWER OF ATTORNEY

Farmington Casualty Company
 Fidelity and Guaranty Insurance Company
 Fidelity and Guaranty Insurance Underwriters, Inc.
 Seaboard Surety Company
 St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
 St. Paul Mercury Insurance Company
 Travelers Casualty and Surety Company
 Travelers Casualty and Surety Company of America
 United States Fidelity and Guaranty Company

Attorney-In Fact No. 214986

Certificate No. 001288937

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

William N. Burke, Michael J. Herrod, Wendy W. Stuckey, Lupe Tamayo, Margaret Buboltz, Lisa A. Ward, Patti A. Ebarb, U. Theresa Gardner, Kathleen M. Meeks, and Nancy Thomas

of the City of Houston, State of Texas, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 6th day of November, 2006.

Farmington Casualty Company
 Fidelity and Guaranty Insurance Company
 Fidelity and Guaranty Insurance Underwriters, Inc.
 Seaboard Surety Company
 St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
 St. Paul Mercury Insurance Company
 Travelers Casualty and Surety Company
 Travelers Casualty and Surety Company of America
 United States Fidelity and Guaranty Company



State of Connecticut
 City of Hartford ss.

By: George W. Thompson
 George W. Thompson, Senior Vice President

On this the 6th day of November, 2006, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
 My Commission expires the 30th day of June, 2011.



Marie C. Tetreault
 Marie C. Tetreault, Notary Public

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kori M. Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 11th day of May, 2007


Kori M. Johanson, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.stpaultravelersbond.com. Please refer to the Attorney-in-Fact number, the above-named individuals and the details of the bond to which the power is attached.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
JOHN D. CERQUEIRA,)	
)	
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)	CIVIL ACTION NO.: 05-11652 WGY
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)	
Defendant.)	
_____)	

ORDER ON SUPERSEDEAS BOND

It is hereby ordered and adjudged that:

Pursuant to the Judgment of this Court entered in favor of defendant, American Airlines, Inc. against plaintiff, John D. Cerqueira on January 16, 2008, Bond Certificate Number 001288937 is hereby released and shall be cancelled by its issuer.

By the Court,

DATED:

The Honorable Judge William G. Young